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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

Views adopted by the Committee under article 7 (3) of the Optional Protocol, concerning communication No. 88/2015*,**

Communication submitted by:	X. (represented by counsel, Asistensia Legál ba Feto no Labarik (Women's and Children's Legal Aid))
Alleged victim:	The author
State party:	Timor-Leste
Date of communication:	16 February 2015 (initial submission)
References:	Transmitted to the State party on 10 June 2015 (not issued in document form)
Date of adoption of views:	26 February 2018

* Adopted by the Committee at its sixty-ninth session (19 February–9 March 2018).

** The following members of the Committee participated in the examination of the present communication: Ayse Feride Acar, Gladys Acosta Vargas, Nicole Ameline, Gunnar Bergby, Marion Bethel, Louiza Chalal, Naéla Gabr, Hilary Gbedemah, Nahla Haidar, Ruth Halperin-Kaddari, Yoko Hayashi, Lilian Hofmeister, Ismat Jahan, Dalia Leinarte, Rosario Manalo, Lia Nadaraia, Aruna Devi Narain, Bandana Rana, Patricia Schulz, Wenyan Song, Aicha Vall Verges.

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1.1 The author of the communication is Ms. X., a Timorese national born in 1987. She claims that she is a victim of a violation, by Timor-Leste, of her rights under articles 2 (c), (d) and (f) and 15 of the Convention. The State party ratified both the Convention and the Optional Protocol in 2003. The author is represented by counsel, Asisténsia Legál ba Feto no Labarik (Women's and Children's Legal Aid).

1.2 The author was convicted of the aggravated murder of her partner in 2012 and received a sentence of 15 years' imprisonment. She was retried in 2013 and her conviction and sentence were upheld. After receiving a partial pardon by the President of Timor-Leste on 20 May 2015, the author was released on parole on 17 September 2015.

Factual background

2.1 On 25 November 2011, the author fatally stabbed her partner, D.S. They had been living together in a de facto relationship since 2008. D.S. was a member of the Timor-Leste Defence Force. They have a son, R.D.S., who was 10 months old at the time of the incident. The author claims that her actions were lawful, as she was trying to defend herself from her partner's violent attack. Prior to the incident, the author had suffered years of domestic violence.

2.2 D.S. joined the Defence Force in July 2009. The author supported his decision to join and felt proud of him. She wanted him to become a community leader and an example. Not long after joining the Defence Force, the attitude and behaviour of D.S. towards the author changed. Whereas previously their relationship had been founded on mutual respect and affection, D.S. became increasingly demanding and violent towards her. During the week, he lived at the Defence Force headquarters in Metinaro. He returned home for the weekends late on Friday nights. He would nearly always arrive drunk and oblige the author to get up and sit with him on the balcony late into the night. D.S. expected her to obey his every command.

2.3 D.S.'s changed behaviour led to arguments with the author and he started beating her. The author confided in her brother-in-law, F.G., about the violence and pleaded with him to help her. F.G. lived in a neighbouring house and saw first-hand the author's bruising and other injuries caused by D.S.'s violence. F.G. tried but failed to talk with D.S., and the latter's violent behaviour continued. F.G. took no further action to assist the author. D.S. was sometimes so drunk when he beat the author that he would have no recollection of it the following morning. The author felt so embarrassed and ashamed that she did not report the violence to her village chief or the police. She loved her partner and wanted to protect his name and standing in the community.

2.4 In April 2010, the author fell pregnant and, on 14 January 2011, gave birth to their son. D.S.'s abusive and controlling behaviour continued throughout the pregnancy and even thereafter. He continued to wake the author when he returned late on Fridays. From that time, they argued more frequently and D.S. became violent towards the author. The author's mother witnessed D.S.'s attempted assault of her daughter and reported the incident to the author's sub-village chief and village chief. The author also reported the violence to members of the Defence Force. Neither the Defence Force nor the chiefs acted to protect the author, however, and the violence continued. On 2 June 2011, D.S. and the author argued about the care of their child. D.S. tried to strike the author with a machete but she managed to run away. D.S. was so angry that he then killed a nearby dog with the machete. The author's mother witnessed the incident and reported it to the village chief, who thereupon referred her to the sub-village chief. The latter visited the home of the author and D.S. but left without resolving the matter and did not refer the incident to the police.

2.5 Later in 2011, D.S. beat the author severely with a piece of wood until her entire upper body was swollen and covered in bruises. The author reported the violence to the Defence Force, members of which subsequently made D.S. sign a declaration that he would not hit the author again. The Defence Force did not refer the matter to the police or take the author to hospital to receive medical treatment. Later in 2011, D.S. returned home drunk one Friday night. As was his custom, he called out to the author and made her sit outside with him, which also disturbed their son, who was sleeping. The author was upset by D.S.'s lack of interest in his son or concern for his welfare. They began to argue. D.S. picked up a piece of wood and started to hit the author on the head. The author covered her head with her hands in an attempt to protect herself. D.S. continued to strike her with the wood. He struck her shoulder and she fell to the ground. The author tried to call out to her brother-in-law, who lived nearby, for assistance but she was too weak. D.S. left the author injured and bleeding on the ground.

2.6 At around 4 a.m., the author managed to drag herself and her son to a neighbour who had a taxi. She asked to be taken to the Defence Force headquarters, arrived there at around 5 a.m. and reported the incident to a senior Defence Force member, whose name she does not now recall. He took a written statement from her and photographs of her injuries. The author described the history of domestic violence perpetrated by her partner and made it clear that this was not an isolated incident. D[illegible]nce Force members then drove the author and her son home. They did not take the author to a doctor or refer the matter to the police Vulnerable Persons' Unit, which is mandated to investigate domestic violence cases. After taking the author home, the Defence Force members went to look for D.S. Upon finding him, they beat him and forced him to sign a statement acknowledging that he had hit his partner and stating that he would not be violent towards her again. The author also signed the statement. D.S. said that it was just a family problem and referred to a common Timorese saying about violence between spouses: "The plate and spoon hit each other." The Defence Force members also told the author that they considered D.S.'s violence towards her to be a family problem and indicated that they did not intend to take the matter further. The author no longer has copies of her statement to the Defence Force or the statement by D.S.

2.7 On 25 November 2011, D.S. returned home late, at approximately 11 p.m. The author was asleep. She was exhausted and worried about her son, who had been sick for some time. D.S. called her and she came into the living room and sat on a concrete block. He then kicked her in the knees. The author tried to run away, but D.S. blocked the entrance to the house. As she tried to stand, he kicked her in the forehead with his military boots, causing her to fall to the ground and lose consciousness. As she regained consciousness, she saw him approaching her again. She was genuinely fearful for her life and thought that he was going to kill her. While on the ground, the author grabbed a kitchen knife, and stabbed D.S. once in the chest as he came towards her. As he fell, he tried to kick the author again. He died instantly. The author ran immediately outside for help and contacted the police directly using her mobile phone. She waited until the police arrived and was then taken into custody and initially detained at the Comoro sub-district police station in Dili for seven days, exceeding the period provided for under the Code of Criminal Procedure (Law No. 13 of 2005), according to which defendants must be brought before a judge for judicial questioning within 72 hours of arrest.[1]

2.8 Upon arrival at the police station, the author asked to see a doctor. The wound on her head where D.S. had kicked her was swollen and bloody. The author also wanted medical evidence of the injuries that she had sustained as a result of the attack. She thought an X-ray might be possible. The police refused her medical treatment.

[1] Articles 60 (1), 63 (1) and 217 (a).

They took some photographs of the injuries, but it was late at night and the camera did not have a good flash, so the photographs were of poor quality. The police took a statement from the author. At no time during her detention at the police station did any police officer inform her of her rights, including to legal representation and to remain silent. No lawyer was present for her interview with the police. The author signed a written statement but was not given the opportunity to review it properly.

2.9 While in detention, the author was taken to Dili National Hospital for assessment at the request of the prosecutor investigating the case. The author saw a Cuban doctor who, she was told, was a psychologist. He asked her questions about the incident and the author explained that she had acted to defend herself. The author believes that he prepared a report based on that consultation, although she never saw a copy. She was not offered any treatment or psychosocial support, such as counselling.

2.10 On 29 November 2011, while the author was still in detention at the police station, a local newspaper, *Suara Timor Lorosae*, published an article in which it was alleged that Defence Force member D.S. had been fatally stabbed by his spouse, identified in the headline by her initials. The writer of the article went on to speculate about what had happened, stating that D.S. and the author had been "arguing because there was not enough money to buy rice". Furthermore, the author was purportedly quoted as saying that she had "killed [D.S.] because he hit me". The author had made no comment to the media at that time.

2.11 During the author's detention at the police station, her son's health deteriorated and he was taken to Dili National Hospital. The author was accompanied by police officers to visit and feed him, as she was still breastfeeding at the time. Her brother and parents-in-law also came to the hospital to care for the child. While the child was in hospital, the family of D.S. tried to take him away and the author was afraid she would not see him again. Sometime later, D.S.'s family did take the author's son to Baucau (a town about three hours' drive from Dili) without the author's knowledge or consent and child protection officers from the Ministry of Social Solidarity had to bring him back to Dili.

2.12 The author's first hearing was held on 2 December 2011. The author was represented by a State public defender, who did not introduce himself to the author or speak to her before or after the hearing. The author was asked questions by the judge and the Public Prosecutor. The author mentioned that D.S.'s family had tried to take her son from the hospital and that she feared for her safety. She did not wish her partner's family to have custody of her son. As a result of that exchange, the Public Prosecutor submitted to the court that it was necessary to place the author in pretrial detention. The public defender said nothing during the hearing, did not oppose the application for pretrial detention and made no submission about whether the requirements for detention under the Code of Criminal Procedure had been met. The court ordered that the author should be placed in detention at Gleno Prison, in Ermera district, to await trial. The author submits that her detention did not meet the requirements set out in the Code of Criminal Procedure.[2] The author did not pose a flight risk and she had a 10-month-old son. The court also ordered that the author's son should be placed in an orphanage in Dili, where he currently resides. No steps were taken to explore alternative ways of ensuring the author's safety that did not involve depriving her of her liberty and separating her from her son.

2.13 On 23 May 2012, five months after the author's detention, she was charged with aggravated homicide under articles 138 and 139 (b) and (g) of the Penal Code, characterized as domestic violence under articles 2 and 35 (b) of the Law against

[2] Articles 181, 182, 183 and 194.

Domestic Violence. Among other things, it was alleged in the indictment: that the author was upset when D.S. came home late and woke her; that she picked up a large knife, opened the door and went on to the porch, where she found D.S. strolling back and forward, saying nothing; that D.S. stood with his back to the author and that she approached him with the knife in her hand, saying "what's up, what's up?"; that when D.S. turned towards the author, she, without warning, stabbed him in the upper right side of the chest, hitting the lung and aorta and throwing him to the ground, where he died instantly; that at the time of the incident, the author's brother, C.S.A., was also at the house; and that the author had intended to kill D.S. and had done so deliberately, voluntarily and consciously. The author did not personally receive a copy of the indictment. Her public defender did not inform her about either the indictment or her right to appeal against it.

2.14 Some time prior to August 2012, the author was visited by another public defender, who asked her to recount what had happened. The author explained the events of 25 November 2011, and that she had acted to defend herself from her partner's attack. She also told her about the history of domestic violence perpetrated by D.S. The public defender told the author that she thought her actions constituted self-defence. She did not, however, provide any legal advice to the author about her upcoming trial.

2.15 The first trial began on 20 September 2012. The author met her new public defender for the first time on the morning of the trial. On 6 November 2012, the Dili District Court found the author guilty and sentenced her to 15 years' imprisonment. When handing down its decision, one of the judges told the author: "We are giving a prison sentence of 15 years because you have taken the life of one of the nation's people (in reference to the status of D.S. as a member of the Defence Force). As a wife, you must protect your husband." The Court found that the author had intended to kill D.S. and that there had never been any previous problems between them, despite evidence to the contrary provided by the author and further corroborating evidence from D.S.'s sister. Nor did the Court take into account the author's evidence that she had picked up the knife only after D.S. had kicked her in the knees and the forehead, knocking her to the ground.

2.16 On 3 December 2012, the author lodged an appeal against the decision of the Dili District Court, arguing that there were blatant errors in the assessment of the evidence and insufficient evidence to reach the decision handed down. On 12 February 2013, the Court of Appeal upheld the appeal, declared the original decision void and ordered a retrial. The Court of Appeal found that the decision handed down by the District Court in the first instance did not address the crucial issue of whether the author had acted in self-defence, and that there was insufficient evidence to support it.

2.17 The Dili District Court retried the case and, on 17 May 2013, found the author guilty of aggravated homicide characterized as domestic violence, under articles 138 and 139 (g) of the Penal Code and articles 2 and 35 (b) of the Law against Domestic Violence. The author was again sentenced to 15 years' imprisonment. Although finding that D.S. had kicked the author twice before she picked up the knife, the Court did not accept that she had acted in self-defence. The assessment of evidence and reasoning in the second Court decision was in large part identical to that of its previous decision, and one of the judges who heard the first trial also heard the retrial. The only witnesses to give oral testimony at the retrial were the author and her brother, who was not at home at the time of the incident.

2.18 On retrial, the Court preferred the previous testimony of the author's nephew, I.V., who had witnessed only part of the altercation between the author and her partner. The Court found that I.V.'s testimony was "credible and convincing and

removed truthfulness from the version presented by [the author]". The Court did not explain why it considered I.V.'s testimony more credible than that of the author. I.V. did not attend the retrial to give oral testimony and was not subject to cross-examination. Unbeknownst to the author, both the Public Prosecutor and the public defender lodged appeals against the retrial decision. On 16 July 2013, the Court of Appeal dismissed both applications for appeal and confirmed the conviction and 15-year prison sentence handed down by the Dili District Court. The Court of Appeal found no errors in the assessment of the evidence by the District Court, did not hold a hearing and did not question the author about her evidence.

2.19 Throughout the proceedings of the author's case, she did not receive adequate legal representation. She was represented by four different public defenders during her trial, appeal, retrial and second appeal, and no handover took place between them. Insufficient time was dedicated to obtaining the author's instructions and preparing a robust defence. For example, the author met her public defender for the first time on the morning of the first hearing, and the latter neither obtained instructions from her nor advised her about her rights. The public defender did not seek to lead evidence about the history of domestic violence perpetrated by D.S., which was relevant to the author's state of mind at the time of the incident.

2.20 The author's counsel informed the Committee on 21 December 2015 that the author had been granted a partial pardon in relation to her sentence, which had been reduced to seven years. She was released on parole on 17 September 2015.

Complaint

3.1 The author submits that Timor-Leste has failed to meet its obligations under articles 2 (c), (d) and (f) and 15 of the Convention. The author also invokes her rights under the International Covenant on Civil and Political Rights, in particular article 14, on the right to a fair trial.

3.2 She asserts that the State party violated article 2 (c) and (d) by having failed to ensure adequate measures to protect the author from domestic violence and provide accessible and timely remedies. Although the violence of D.S. towards the author was reported to the sub-village chief, the village chief and the Defence Force, none of those authorities provided her with adequate protection, including through the referral of her case to the police or relevant service providers.

3.3 She further maintains that Timor-Leste violated articles 2 (f) and 15 because it failed to ensure the impartiality and fairness of legal procedures and court proceedings and ensure that they were not affected by prejudices and gender bias. The author submits that she did not have a fair trial, appeal, retrial or second appeal because: she was not adequately advised of her rights, either prior to or during the court proceedings; she did not have adequate legal representation and there was no handover between the four public defenders representing her, who neither devoted enough time to preparing a robust defence nor advocated in her best interests in court; the assessment of the evidence by the Dili District Court and Court of Appeal was highly prejudicial to the author and affected by gender bias; and the courts lacked gender sensitivity in considering her evidence, in particular the evidence regarding the history of domestic violence perpetrated by the author's partner. There was no consideration on the part of the courts or the author's legal representatives of the trauma and serious injuries that she had suffered as a victim of domestic violence.

Absence of State party's observations

4. A request was made to the State party to provide its observations on the admissibility and merits of the author's complaint by 10 December 2015. Reminders to that effect were sent to the State party on 17 March 2016, 20 October 2016 and

16 June 2017, with a final deadline of 14 July 2017. The Committee regrets that no submissions had been received as at the date of adoption of the present views. The Committee must therefore base its decision on the information provided by the author, as long as it has been sufficiently substantiated.

Issues and proceedings before the Committee

Consideration of admissibility

5.1 In accordance with rule 64 of its rules of procedure, the Committee is to decide whether the communication is admissible under the Optional Protocol. In accordance with rule 72 (4), it must do so before considering the merits of the communication.

5.2 In accordance with article 4 (2) (a) of the Optional Protocol, the Committee notes the author's assertion that the same matter has not been and is not being examined under another procedure of international investigation or settlement. It accepts this assertion as no claims have been advanced to the contrary and there is nothing on file to indicate that any such procedures are or have been in process.

5.3 As regards the exhaustion of domestic remedies under article 4 (1) of the Optional Protocol to the Convention, the author submits that she has exhausted all legal remedies available to her under Timorese law. The Court of Appeal handed down its decision on 16 July 2013 and the author submits that there is no avenue of further appeal. She further states that she does not meet the requirements for extraordinary appeal under article 315 of the Code of Criminal Procedure. The Court of Appeal is the highest appellate court in the State party. In the absence of submissions from the State party to the contrary, the Committee accepts that the author has exhausted all remedies and therefore does not consider itself precluded by the requirements of article 4 (1) of the Optional Protocol from considering the matter.

5.4 The Committee notes that the author refers to violations of article 14 of the International Covenant on Civil and Political Rights in relation to her trial. The Committee finds this element of the complaint to be inadmissible *ratione materiae* under article 4 (2) (b) of the Optional Protocol. It therefore finds itself precluded from considering this element of the complaint.

5.5 The Committee notes that the author has been partially pardoned and, as a result, that her sentence was reduced from 15 to 7 years' imprisonment. From the information provided to the Committee, it appears that the pardon related only to the sentence and not the conviction. Therefore, the Committee does not find the pardon to be pertinent in its consideration of the above elements raised by the author.

5.6 Otherwise, the Committee notes that there is nothing on file to indicate that the complaint is inadmissible on its face. It also notes that no information has been received from the State party in the present case. Accordingly, the Committee decides to give due weight to the author's allegations, to the extent that they have been sufficiently substantiated. In the light of the above, the Committee does not consider itself to be precluded from consideration of the communication under article 4 of the Optional Protocol and therefore proceeds with its consideration of the merits.

Consideration of the merits

6.1 The Committee has considered the present communication in the light of all the information placed at its disposal by the author, without the benefit of the State party's observations, in accordance with the provisions of article 9 (1) of the Optional Protocol.

6.2 The questions before the Committee are as follows: first, whether the State party fulfilled its obligations under the Convention and, in particular, whether it discharged

its duty of due diligence in connection with the protection of the author from domestic violence before the events of 25 November 2011 and in its treatment of the author in relation to those events; and second, whether the judiciary and other organs in the State party carried out their mandates, without discrimination based on sex, to ensure that the author received a fair trial, without bias, discrimination or gender stereotyping.

6.3 Regarding the first point, namely, the State party's performance of its due diligence obligation, the Committee notes the author's claims that her complaints to the village authorities and the Defence Force about the domestic abuse that she was suffering were never passed on to the police; that, despite a statement and photographs of her injuries having been taken after multiple incidents of domestic violence, she was not taken for medical treatment and her case was not referred to law enforcement or prosecutorial authorities; and that it does not appear that she was given access to that evidence in her defence.

6.4 With regard to the author's complaint that her claims of domestic violence were not referred to the appropriate authorities, the Committee notes that village leaders failed to refer her complaints to the authorities and that, furthermore, the Defence Force, an institution of the State, failed to refer the author's complaint to the prosecutorial authorities. The Committee finds in this regard that the Defence Force, being a State agent, having adopted procedures akin to those in law enforcement of criminal investigation by taking photographs and a statement, and apparently not having questioned the author's account, given that it caused the perpetrator to sign a confession, failed in its due diligence responsibilities by taking no measures to ensure the protection of the author.

6.5 Regarding the second point, namely, gender-based discrimination and gender stereotyping in the State party's judiciary and other organs, the Defence Force took the author's partner's word on trust, and believed that he would no longer beat the author. The Committee further notes that the State party's law enforcement authorities failed to provide the author with medical care after her arrest, inform her of her rights, provide counsel at her first interview or collect evidence that would have aided her defence; kept the author in detention for a great deal longer than is provided for by the law, despite her being a breastfeeding mother; failed to provide the author with psychosocial support after her arrest appropriate to a person claiming to have been attacked and to have killed in self-defence; failed to ensure, when it appointed counsel, that the assistance provided was effective (including the failure to advance arguments to prevent the pretrial detention of a breastfeeding mother, advise her on her defence or consult her in order to provide her with the opportunity to mount her own defence); and finally that judges, despite a retrial being granted on the basis that self-defence had not been duly considered in the first trial, allowed gender stereotypes and bias to affect the weighing of evidence in the second trial, in particular by lending the author's voice less credence than that of her nephew, who had not been present at all relevant times. Although the first trial is not being taken specifically into account by the Committee, given that the decision resulting from it was overturned by the Court of Appeal, it is clear that, bearing in mind that self-defence in circumstances such as those is a complete defence against the charge of murder, its defects were not satisfactorily remedied and that those initial proceedings, during which the author was told that, "as a wife, you must protect your husband", showed a pattern of deeply held bias that continued into the retrial and has been enormously detrimental to the life of the author and her son. The implications of such procedural deficiencies cannot be overstated. In this regard, the Committee refers to its general recommendation No. 28 (2010) on the core obligations of States parties under article 2 of the Convention, in which it is stated that "States parties must address all aspects of their legal obligations under the Convention to respect, protect and fulfil women's right to

non-discrimination and to the enjoyment of equality" and that "they are further obliged to react actively against discrimination against women, regardless of whether such acts or omissions are perpetrated by the State or by private actors".[3]

6.6 In this regard, the Committee refers to its general recommendation No. 33 (2015) on women's access to justice, in which it is stated:

> Often, judges adopt rigid standards about what they consider to be appropriate behaviour for women and penalize those who do not conform to those stereotypes. Stereotyping also affects the credibility given to women's voices, arguments and testimony as parties and witnesses. Such stereotyping can cause judges to misinterpret or misapply laws ... In all areas of law, stereotyping compromises the impartiality and integrity of the justice system, which can, in turn, lead to miscarriages of justice, including the revictimization of complainants.
>
> Judges, magistrates and adjudicators are not the only actors in the justice system who apply, reinforce and perpetuate stereotypes. Prosecutors, law enforcement officials and other actors often allow stereotypes to influence investigations and trials, especially in cases of gender-based violence, with stereotypes undermining the claims of the victim ... Stereotyping can, therefore, permeate both the investigation and trial phases and shape the final judgement.

6.7 The Committee recalls its general recommendations No. 19 (1992) on violence against women and No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, according to which gender-based violence that impairs or nullifies the enjoyment by women of human rights and fundamental freedoms under general international law or under human rights conventions, is discrimination within the meaning of article 1 of the Convention. Under the obligation of due diligence, States parties must adopt and implement diverse measures to tackle gender-based violence against women committed by non-State actors, including having laws, institutions and a system in place to address such violence and ensuring that they function effectively in practice and are supported by all State agents and bodies who diligently enforce the laws. The failure of a State party to take all appropriate measures to prevent acts of gender-based violence against women in cases in which its authorities are aware or should be aware of the risk of such violence, or the failure to investigate, prosecute and punish perpetrators and provide reparations to victims/survivors of such acts, provides tacit permission or encouragement to perpetrate acts of gender-based violence against women. Such failures or omissions constitute human rights violations.

6.8 The Committee recalls that, under articles 2 (f) and 5 (a) of the Convention, States parties have the obligation to adopt appropriate measures to amend or abolish not only existing laws and regulations but also customs and practices that constitute discrimination against women. States parties also have the obligation, in accordance with article 16 (1), to adopt all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relationships. In that regard, the Committee stresses that stereotypes affect women's right to impartial judicial processes and that the judiciary should not apply inflexible standards based on preconceived notions about what constitutes domestic violence.

6.9 In the present case, the Committee considers that the authorities of the State party, by their failure to address the issue of ongoing domestic violence, in the collection of evidence, the treatment of the author, the support and counsel that she received, the treatment of her testimony and the sentencing decision relating to a

[3] See paras. 9 and 10.

vulnerable breastfeeding mother, failed to discharge their obligations under articles 2 (c), (d) and (f) and 15 of the Convention.

7. In accordance with article 7 (3) of the Optional Protocol and taking into account all of the foregoing considerations, the Committee considers that the State party has infringed the rights of the author under articles 2 (c), (d) and (f) and 15, read jointly with article 1 of the Convention and the Committee's general recommendations Nos. 19, 28, 33 and 35.

8. The Committee makes the following recommendations to the State party:

(a) With regard to the author:

(i) Grant the author a full pardon;

(ii) Grant the author appropriate reparation, including comprehensive compensation commensurate with the seriousness of the infringement of her rights.

(b) In general:

(i) Provide mandatory training for judges, prosecutors, lawyers and law enforcement and administrative personnel on the application of the Convention, its Optional Protocol and the Committee's jurisprudence and general recommendations, in particular general recommendations Nos. 19, 28, 33 and 35;

(ii) Establish monitoring mechanisms to ensure that evidentiary rules, investigations and other legal and quasi-judicial procedures are impartial and not influenced by gender stereotypes or prejudice;

(iii) Conduct an exhaustive and impartial investigation to determine whether there are structural failures in the State party's system and practices that may cause victims of domestic violence to be deprived of protection;

(iv) Ensure that victims' claims are addressed promptly and fully and that they receive legal, medical and social support and the protection that they need, and ensure that perpetrators are investigated, prosecuted and sanctioned.

9. **In accordance with article 7 (4) of the Optional Protocol, the State party shall give due consideration to the views of the Committee, together with its recommendations, and shall submit to the Committee, within six months, a written response, including any information on action taken in the light of the views and recommendations of the Committee. The State party is also requested to publish the Committee's views and recommendations and to have them widely distributed in order to reach all relevant sectors.**